

September 18, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0357

Howard and Diane Canada

Midlothian Magisterial District
Robious Elementary, Robious Middle and James River High Schools Attendance Zones
North line of Old Buckingham Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12) of 6.8 acres plus proffered conditions on an existing 0.5-acre tract zoned Residential (R-12).

PROPOSED LAND USE:

A single-family residential subdivision with a minimum lot size of 12,000 square feet is planned. The applicant has proffered to limit development to a maximum of sixteen (16) lots, yielding a density of approximately 2.2 dwelling units per acre. (Proffered Condition 3)

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

- (NOTES:
- A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.
 - B. IT SHOULD BE NOTED THAT AMENDMENTS TO THIS CASE WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

PROFFERED CONDITIONS

- 1. Utilities. Public water and wastewater shall be used. (U)
- 2. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements within the service district for the property:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007; or
 - B. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1, of the fiscal year in which the payment is made.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - D. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
- 3. Density. The maximum density of this development shall not exceed sixteen (16) lots. (P)

4. Sole Access. Any lots having sole access through Old Buckingham Forest Subdivision shall have an average lot size of 15,600 square feet and shall not exceed a density of 2.8 units per acre. (P)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
6. Drainage. The developer shall design and construct the subdivision such that no water from impervious surfaces shall sheet flow onto Old Buckingham Forest Subdivision. (EE)
7. Dam Failure. A dam failure analysis shall be performed on the upstream dam and all proposed homes shall be constructed outside the dam failure limits. (EE)
8. Access. No public road access shall be provided from the property to Old Buckingham Road. (T)
9. Dedication. In conjunction with recordation of the initial subdivision plat thirty five (35) feet of right of way along the north side of Old Buckingham Road, measured from the centerlines of that part of Old Buckingham immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
10. Road Improvements. In conjunction with initial development of the property, the developer shall provide the following road improvements:
 - A. Widening/improving the north side of Old Buckingham Road to an eleven (11) foot wide travel lane, measured from the existing centerline of Old Buckingham Road, with an additional three (3) foot wide paved shoulder plus an eight (8) foot wide unpaved shoulder, and overlaying the full width of the roads with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage;
 - B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any “off-site” right-of-way that is necessary for any improvement described in this Proffered Condition 10, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved

of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

11. Foundations. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
12. Minimum House Size. The minimum gross floor area shall be 1800 square feet. (BI & P)
13. Restrictive Covenants. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:

Architectural Board – The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on any lot. It shall prepare shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall consist of three (3) members, all appointed by the Declarant. The declarant may, at his option, delegate to the Board his right to appoint one or more members of the Architectural Board.

Tree Preservation – To the extent practical all lots shall be left in a wooded manner. Any proposed tree removal shall be shown on a plan to be reviewed and approved by the Architectural Board. The tree preservation shall be subject and subordinate to the terms of any utility or drainage easements which may be granted by the Declarant or its successors to the County of Chesterfield.

Mailboxes – Every improved lot shall be required to have a mailbox with supporting post and post light of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking – Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Signs – No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of

more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground – It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property, which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage – No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term “enclosed dwelling area” as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use –

a. All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the site and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building.

b. A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.

c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion – The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonable clean and uncluttered condition.

Vehicle Storage – No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures – No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas – Except as otherwise provided by applicable law, no television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot, except as permitted by applicable law and except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Board for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision – No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of subdivision. However the interpretation of the paragraph shall not prohibit the combining of two (2) or more contiguous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals – Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot.

Motor Bikes All Terrain Vehicles – No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting – No external lighting shall be installed or utilized on any property, which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools – No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written

consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.

Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs.

These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.

GENERAL INFORMATION

Location:

North line of Old Buckingham Road, east of Unison Drive and eastern terminus of Little Pond Lane. Tax IDs 734-710-6379, 7448 and 7726; and 735-710-0037.

Existing Zoning:

A and R-12

Size:

7.3 acres

Existing Land Use:

Single-family residential or vacant

Adjacent Zoning and Land Use:

North, East and West – R-9 and R-12; Single-family residential
South - I-1; Single-family residential or vacant

UTILITIES

Public Water System:

There is a twelve (12) inch water line extending along the south side of Old Buckingham Road, opposite this site. In addition, a six (6) inch water line extends along Little Pond Lane and terminates adjacent to the western boundary of this site. The public water system is available to serve the request site. Connection to the twelve (12) inch water line will be required as well as connection to the six (6) inch line to provide an alternate feed. The applicant has proffered to use the public water system. (Proffered Condition 1)

Public Wastewater System:

There is a ten (10) inch wastewater collector line extending along a portion of Old Buckingham Road, and across the request site to Sandbag Terrace in Old Buckingham Forest, Section 4. This line will serve the southern half of this site. Wastewater service to the northern half of the site is available from an eight (8) inch wastewater collector line in Little Pond Lane. This line terminates approximately eighty (80) feet west of the request site. Use of the public wastewater system is intended. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The property drains in two (2) directions. Half of the property drains to the southwest to Old Buckingham Road. The remaining portion drains to the west to Old Buckingham Forest Subdivision. There are no existing or anticipated on-site drainage or erosion problems. There are no known off-site drainage or erosion problems. However, development of this property could create drainage problems for some of the existing homes on Little Pond Lane due to sheet flow leaving the northern portion of the property. The applicant has proffered that no runoff from impervious areas shall drain directly onto the lots in Old Buckingham Forest Subdivision. (Proffered Condition 6)

There is an old pond and dam upstream that drains through the southern portion of the property. This dam was not constructed to current standards; therefore, the applicant has proffered that a dam failure analysis will be performed and all proposed homes shall be located outside of the dam failure inundation limits. (Proffered Condition 7)

The property is currently wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 5). This will insure that adequate erosion control measures are in place prior to any land disturbance.

PUBLIC FACILITIES

The need for schools, parks, libraries, fire stations, and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan, and Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis.

Fire Service:

The Chester Fire Station, Company #1, and Bensley Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on sixteen (16) dwelling units, this request will generate approximately five (5) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 2)

When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately eight (8) (Elementary: 3, Middle: 2, High: 3) students will be generated by this development. Currently this site lies in the Robious Elementary School attendance zone: capacity - 756, enrollment - 647; Robious Middle School zone: capacity - 1,148, enrollment - 1,259; and James River High School zone: capacity - 2,050, enrollment - 2,065. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact at the middle and high school level. There are currently thirteen (13) trailers at Robious Middle.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools to capacity, necessitating some form of relief in the future. The applicant has addressed the impact of the development on schools with Proffered Condition 2.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed Countywide. Based on projected population growth, The Public Facilities Plan identifies a need for additional library space throughout the County.

Development of this property would most likely affect the existing Midlothian Library or the proposed new library in the Robious Road area, as identified in The Public Facilities Plan. The applicant has addressed the impact library facilities. (Proffered Condition 2)

Parks and Recreation:

The Parks and Recreation Department operates forty-one (41) parks and athletic complexes and selected athletic fields and recreation facilities on all sixty-one (61) school sites, totaling over 3,800 acres. Parks and Recreation needs are documented in the Public Facility Plan, the Riverfront Plan, the Bikeways Plan and various Comprehensive Plans for the County. The current Capital Improvement Plan documents development costs to expand the park system to meet growth within the County and also infrastructure improvements to aging facilities throughout the system. This spending plan totals \$ 31,100,000 through the year 2012. The Department has a current inventory of land and facilities in excess of \$72,000,000

The Public Facilities Plan identifies the need for three (3) regional, seven (7) community and twenty-nine (29) neighborhood parks by 2020. In addition, there is a shortage of community and neighborhood park acreage in the County. The Public Facilities Plan identifies a need for 354 acres of regional park space, 252 acres of community park space and 199 acres of neighborhood park space by 2020. The Plan also identifies the need for linear parks and resource based-special purpose parks (historical, cultural and environmental) and makes suggestions for their locations. The Plan addresses the need for the addition of recreational facilities to include sports fields, trails, playgrounds, court games, senior centers and picnicking area/shelters at existing parks to complete build – out. The Plan also identifies the need for water access and trails along the James and Appomattox Rivers and their major tributaries, Swift and Falling Creeks. Co-location with middle and elementary schools is desired.

The applicant has addressed the impact on parks and recreation facilities. (Proffered Condition 2)

Transportation:

The property (7.3 acres) is currently zoned Agricultural (A) and Residential (R-12), and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered a maximum density of sixteen (16) lots (Proffered Condition 3). Based on single-family trip rates, development could generate approximately 200 average daily trips. These vehicles will be distributed to Old Buckingham Road. Based on the most recent data from the Virginia Department of Transportation (VDOT), the section of Old Buckingham Road from Midlothian Turnpike (Route 60) to Alverser Drive was carrying 9,649 vehicles per day (VPD) in 2006.

The Thoroughfare Plan identifies Old Buckingham Road as a collector with a recommended right of way width of seventy (70) feet. The applicant has proffered to

dedicate thirty-five (35) feet of right of way, measured from the centerline of Old Buckingham Road, in accordance with that Plan. (Proffered Condition 9)

Access to collectors, such as Old Buckingham Road, should be controlled. The applicant has proffered that no public road access will be provided from the property to Old Buckingham Road (Proffered Condition 8). This proffer would not preclude individual lots to have private driveways onto Old Buckingham Road. In order to provide driveways onto Old Buckingham Road for any lot, the Director of Transportation must grant an exception at time of tentative subdivision plat review. Because of the number of existing residential lots that currently front Old Buckingham Road, the Transportation Department will grant this exception. The remaining lots that are developed on the property will access to Old Buckingham Road via Little Pond Lane and Unison Drive.

The traffic impact of this development must be addressed. The applicant has proffered the customary road improvement to widen/improve the north side of Old Buckingham Road to an eleven (11) foot wide travel lane with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlay with asphalt the full width of the road for the entire property frontage (Proffered Condition 10). This improvement will be provided with initial development of the property. Constructing this improvement is not anticipated to need “off-site” right of way. According to Proffered Condition 10, if the developer is unable to acquire any the off-site right of way, the developer may request the county to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the “off-site” right-of-way and will only be obligated to construct road improvements within available right-of-way. (Proffered Condition 10)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Old Buckingham Road will be directly impacted by development of this property. Sections of this road have approximately nineteen (19) to twenty (20) foot wide pavement with no shoulders. This road is at capacity (Level of Service E) for the volume of traffic it currently carries (9,649 VPD).

The applicant has proffered to provide cash, in an amount consistent with the Board of Supervisors’ Cash Proffer Policy, towards mitigating the traffic impact of this development (Proffered Condition 2). As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan.

The Virginia Department of Transportation’s (VDOT) “Chapter 527” regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT’s regulations will have on the development process or upon zonings approved by the county.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	16*	1.00
Population Increase	43.52	2.72
Number of New Students		
Elementary	3.73	0.23
Middle	2.08	0.13
High	2.70	0.17
TOTAL	8.51	0.53
Net Cost for Schools	85,568	5,348
Net Cost for Parks	9,664	604
Net Cost for Libraries	5,584	349
Net Cost for Fire Stations	6,480	405
Average Net Cost for Roads	143,072	8,942
TOTAL NET COST	\$250,368	\$15,648

* Based on a proffered maximum of sixteen (16) dwelling units (Proffered Condition 3). The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.

Area Development Trends:

Surrounding properties to the north, east and west are zoned Residential (R-12 and R-9) and are occupied by single-family residential uses in Old Buckingham Forest subdivision on an acreage. Properties to the south are zoned Light Industrial (I-1) and are occupied by single-family residential use or remain vacant.

Zoning History:

On November 27, 1985, the Board of Supervisors approved R-12 zoning on a portion of the request property and adjacent property to the north and east (Case 85S089). Subsequently, Old Buckingham Forest has developed on a portion of that property.

Density, Lot Size and House Size:

The applicant has proffered to limit development to a maximum of sixteen (16) lots, yielding an overall density of approximately 2.2 dwelling units per acre (Proffered Condition 3). Proffers preclude access to Old Buckingham Road, resulting in the only existing access available to the property being Little Pond Lane in Unison Drive. To insure that this development will be comparable with that in Buckingham Forest through which access will be provided, the applicant has agreed any lots having sole access through Old Buckingham Forest Subdivision will have an average lot size of 15,600 square feet and a maximum density of 2.8 units per acre. (Proffered Condition 4) There is the potential in the future that lots may have access to Old Buckingham Road through the adjacent property to the east.

The minimum gross floor area of dwellings shall be 1800 square feet. (Proffered Condition 12)

Architecture:

Proffered Condition 11 addresses the architectural treatment/materials of exposed portions of foundations and of piers supporting porches.

Restrictive Covenants:

Proffered Condition 13 requires restrictive covenants to be recorded in conjunction with the recordation of any subdivision plat. The County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed.

CONCLUSIONS

The proposed zoning and land uses conform to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.

In addition, the proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

